

Notice of Allowability

Application No.

10/014,342

Examiner

Jared J. Fureman

Applicant(s)

MARTIN ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and terminal disclaimer filed on 2/11/2004.
2. ☒ The allowed claim(s) is/are 1,3-5,7-31,33-37 and 39-54.
3. ☒ The drawings filed on 01 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 11/14/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 022004
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Receipt is acknowledged of the IDS, filed on 11/14/2003, the terminal disclaimer, proposed drawing changes, and amendment, filed on 12/1/2003, the supplemental terminal disclaimer and supplemental amendment, filed on 2/11/2004, all of which have been entered in the file. Please note that some of the references listed on the IDS have been lined through, since they were previously cited on a PTO-892. Claims 1, 3-5, 7-31, 33-37, and 39-54 are pending.

Drawings

1. The drawings were received on 12/1/2003. These drawings are acceptable to the examiner.

Terminal Disclaimer

2. The terminal disclaimer filed on 12/1/2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent Number 6,595,420 has been reviewed and is accepted. The terminal disclaimer has been recorded.
3. The terminal disclaimer filed on 2/11/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent Numbers 6,637,659, 6,283,375, and 6,607,133 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

4. Claims 1, 3-5, 7-31, 33-37, and 39-54 have been allowed over the prior art of record.

Art Unit: 2876

5. The following is an examiner's statement of reasons for allowance: The prior art or record, taken alone or in combination, fails to teach or fairly suggest: a bar code symbol reading device including a manually-activated data transmission switch integrated with the hand-supportable housing for producing, when activated, a data transmission activation control signal in response to activation of the data transmission switch, and a system control subsystem for controlling the data transmission subsystem so that the symbol character data string, produced at substantially the same time when the data transmission control activation signal is generated, is transmitted to the host device, in combination with the other claimed limitations as set forth in the claims.

While manually-activatable data transmission switches are well known in the prior art, the prior art either transmits the bar code data immediately after reading the data (for example, a "trigger" on the bar code reader is pulled, the bar code is scanned and then the data is transmitted) (see Kahn et al US 5,600,121, column 7 lines 49-51, column 11 lines 19-28, and Madan et al US 5,496,992, column 9 lines 45-61 and column 10 lines 10-15) or transmits stored data of previously read codes (for example, previously read bar code data is transmitted upon the actuation of a data transmission switch) (see Wakatsuki et al US 5,065,003, see column 2 lines 15-25, and column 10 lines 62-67). The prior art of record fails to teach repeatedly scanning a bar code, repeatedly generating information from the code, and transmitting only the information generated at substantially the same time the manually-activatable data transmission switch is activated to generate a data transmission control activation signal within the predetermined time period.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilz, Sr. et al (US 6,595,420 B1), Wilz, Sr. et al (US 6,637,659 B2), Wilz, Sr. et al (US 6,607,133 B2), Nomura et al (JP 2-154598 A), and Nojima (JP 2002-290607 A) all teach bar code reading systems having a data transmission activation switch. Longacre, Jr. et al (US 2003/0146283 A1) teaches an optical reader with a scanning trigger. Byun et al (US 2002/0100804 A1) and Knighton et al (US 6,315,204 B1) both teach optical scanners including a scanner activation/data transmission switch. Meksavan et al (US 6,547,146 B1) teaches a bar code scanner having a switch for transmitting stored data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 20, 2004

Jared J. Fureman
JARED J. FUREMAN
PRIMARY EXAMINER